

REMARKS

This Amendment is in response to the Office Action of October 1, 2007 in which claims 1-6 were rejected.

The objection to the claims has been addressed as suggested by the Examiner by substituting more precise terminology in claims 1, 3, 5 and 6. With regard to the "second" storage component, the amendment suggested by the Examiner has been made to claim 5 on page 29 at lines 14-15. Withdrawal of the objection to the claims is requested.

Regarding the obviousness rejection of claims 1-6 based on *Cole* (U.S. 5,890,115) in view of *Wiggins, Jr. et al* (U.S. 4,304,964), it appears that the Examiner is correct in his statements about *Cole* and is able to apply the obviousness rejection using *Wiggins* because the independent claims do not specify the meaning of "state," so that the Examiner can use the 12 parameters mentioned at column 1, lines 57-63 of *Wiggins* as qualifying as "state" even though the frames appear to be encoded independently. See also Figure 6 of *Wiggins* and Table V at column 38 for showing this independence.

It does not appear that the 12 parameters of *Wiggins* relate in any way to interdependence between neighborhood frames being reflected together with other control information in a number of variables that constitute an internal state of the audio decoder.

Therefore, independent claims 1, 3, 5 and 6 have been amended to make this important distinction which is neither shown nor suggested by either of the references either alone or in combination.

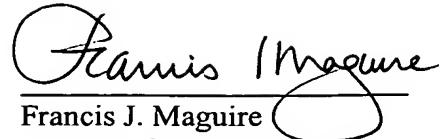
Withdrawal of the obviousness rejection is requested.

This amendment is submitted with a petition for a one-month extension of time along with the \$120.00 fee therefor. If this petition is for the wrong period of extension or if the fee is missing or insufficient, the Commissioner is authorized to treat this as a petition for the appropriate extension period and to deduct the appropriate fee or insufficiency from our Deposit Account No. 23-0442.

The objections and rejections of the Office Action of October 1, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-6 to issue is solicited.

Respectfully submitted,

Serial No. 10/723,242  
915-007.060

A handwritten signature in cursive script, reading "Francis J. Maguire". The signature is written in black ink and is positioned above a horizontal line.

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